

HOUSE BILL No. 1245

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-12-3.5-8.

Synopsis: Election audit procedures. Requires that in a precinct using an electronic voting system, the number of votes cast must be reconciled with the number of voters who have received a ballot.

Effective: July 1, 2015.

Fine

January 13, 2015, read first time and referred to Committee on Elections and Apportionment.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1245

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-12-3.5-8, AS ADDED BY P.L.76-2014,
2 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 8. (a) After each electronic voting system has
4 been secured and the paper vote total printouts obtained, the inspector
5 **and judge of the opposite political party** shall ~~announce record~~ the
6 total number of:
7 (1) votes cast on all electronic voting systems located within the
8 polling place, including any absentee ballots cast; **and**
9 (2) **voters who have received a ballot by signing in at the polls,**
10 **including absentee ballots returned according to the poll lists**
11 **for each precinct;**
12 to determine if the total number of votes cast on the electronic voting
13 systems differs from the number of voters shown to have received a
14 ballot at the polls or returned an absentee ballot, according to the poll
15 lists.



1 **(b) The inspector and judge of the opposite political party shall**
 2 **record the information set forth in subsection (a) on an affidavit**
 3 **prescribed under IC 3-5-4-8 and provided to each precinct under**
 4 **IC 3-11-3-10 by the county election board. The inspector and judge**
 5 **shall execute the affidavit before returning the certificates in**
 6 **accordance with section 4 of this chapter and return the affidavit**
 7 **with the certificates. An inspector or judge who fails to execute or**
 8 **return the affidavit in compliance with this subsection is not**
 9 **entitled to receive any election day per diem under IC 3-6-6-25 or**
 10 **any additional compensation under IC 3-6-6-26.**

11 ~~(b)~~ **(c) If the number of ballots received at the polls and returned as**
 12 **absentee ballots differs from the total number of voters shown on the**
 13 **poll lists, the inspector and judge of the opposite party shall report this**
 14 **fact in writing to the county election board together with the reasons for**
 15 **the discrepancy, if known, at the time that the inspector and judge**
 16 **return the precinct poll list to the board on the affidavit required**
 17 **under subsection (b).**

18 **(d) The county election board shall compile the information**
 19 **described in subsection (a) into a single document listing for each**
 20 **precinct the difference (if any) between the total number of votes**
 21 **cast and the number of voters who received a ballot at the polls or**
 22 **returned an absentee ballot according to the poll list, and the**
 23 **reasons for the discrepancy in each precinct, as set forth in the**
 24 **affidavit required for the precinct under subsection (b). Not later**
 25 **than noon on the first Friday following the election, the county**
 26 **shall publish the document described in this subsection and**
 27 **immediately make the document available for inspection and**
 28 **copying by any voter of the county.**

29 ~~(c)~~ **(e) If, in a precinct:**

30 (1) the total number of votes cast; ~~as determined under subsection~~
 31 ~~(a)~~; and

32 (2) the number of voters who received a ballot at the polls or
 33 returned an absentee ballot according to the poll lists;

34 differs by five (5) or more, then the county election board shall order
 35 an audit of the votes cast in that precinct under this section.

36 ~~(d)~~ **(f) The county election board shall confirm that the votes cast in**
 37 **an election:**

38 (1) for each candidate and each public question; and

39 (2) on a direct record electronic voting system in the precinct;

40 were correctly counted.

41 ~~(e)~~ **(g) The county election board shall conduct an audit by means**
 42 **of tests and procedures that are approved by the commission and**



1 independent of the provider of the direct record electronic voting
2 system being audited.

3 ~~(f)~~ **(h)** The county election board shall certify the results of the audit
4 not later than noon twelve (12) days after the election. The certification
5 must be on the form prescribed by the commission. One (1) copy shall
6 be filed with the election returns, and one (1) copy must be delivered
7 to the election division.

8 ~~(g)~~ **(i)** Public notice of the time and place of an audit shall be given
9 at least forty-eight (48) hours before the audit. The notice shall be
10 published once in accordance with IC 5-3-1-4. However, if publication
11 in accordance with IC 5-3-1-4 will not allow the county election board
12 to certify the results of the audit within twelve (12) days after the
13 election, notice shall be given by posting at or near the office of the
14 county election board.

